

EXHIBIT 3

12 VIDEO DEPOSITION OF FRANK WAGNER
13 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

14 | March 7, 2013

16 | Reported by: Anne Torreano, CSR No. 10520

1 Q. Is there a date you're sure you were doing
2 it? 2009?

3 A. I'm sure we were doing it in 2009.

4 Q. Okay. So 2009 or earlier?

10:48:55 5 A. Correct.

6 Q. Okay. What do the summaries of counteroffer
7 involve?

8 A. The summaries of counteroffer involved a
9 number of people departing for select start-up
10 organizations, the number of counteroffers we made, and
11 the success rates of the counteroffers.

12 Q. And for what purpose were you tracking all of
13 that information?

14 A. We were tracking the number of people who left
15 us for select organizations.

16 Q. And why was that?

17 A. Because we were concerned about people leaving
18 us for those organizations.

19 Q. Okay. Let me ask you, in addition to the
20 different categories of information that you have
21 described being part of the standard reports to the
22 LDCC, are there any other categories that you can
23 recall that were standard in the reports?

24 A. There were periodic reports. That means not
25 every quarter. But there are other topics that were

In Re: HIGH-TECH EMPLOYEE ANTITRUST LITIGATION

Position of Frank Wagner

REPORTER'S CERTIFICATE

I, Anne Torreano, Certified Shorthand Reporter
licensed in the State of California, License No. 10520,
hereby certify that the deponent was by me first duly
sworn, and the foregoing testimony was reported by me
and was thereafter transcribed with computer-aided
transcription; that the foregoing is a full, complete,
and true record of said proceedings.

I further certify that I am not of counsel or
attorney for either or any of the parties in the
foregoing proceeding and caption named or in any way
interested in the outcome of the cause in said caption.

The dismantling, unsealing, or unbinding of
the original transcript will render the reporter's
certificates null and void.

In witness whereof, I have subscribed my name
this 18th day of March, 2013.

[] Reading and Signing was requested.

[] Reading and Signing was waived.

[X] Reading and Signing was not requested.

Anne 62

ANNE M. TORREANO, CSR NO. 10520